

AMENDMENT TO THE DRAWINGS

The attached Replacement Sheets of drawings includes changes to FIGs. 4 and 5. These Replacement Sheets, which include FIGs. 4 and 5, replace the original sheets including FIGs. 4 and 5.

Attachment: Replacement Sheets (2)

REMARKS

By this amendment, claims 1-10 and 15-24 are pending, in which claims 11-14 are canceled without prejudice or disclaimer, claims 1-10 and 15-23 are currently amended, and claim 24 is newly presented. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, FIGs. 4 and 5, and paragraphs 0040 and 0041 of the published application. Applicants submit that the present Amendment does not generate any new matter issue.

Objections to Drawings

The drawings were objected because of unlabeled boxes of FIGs. 4 and 5. FIGs. 4 and 5 are sought to be amended to provide descriptive text labels of the unlabeled boxes. Applicants, therefore, respectfully request withdrawal of the objections to the drawings.

Claims 11-14 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Claims 11-14 are currently canceled without prejudice or disclaimer, therefore, rendering their rejection moot. Applicants, therefore, respectfully request withdrawal rejections claims 11-14.

Claims 1-22 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Marianetti et al.* (U.S. Patent No. 6,539,476) (“Marianetti”) in view of *Tachibana et al.* (U.S. Patent No. 6,055,595) (“Tachibana”).

In the statement of the rejection the Examiner asserted that one having ordinary skill in the art would have been led to modify the method disclosed by Marianetti by incorporating the teaching of Tachibana on comparing the programs running and terminating the programs accordingly. This rejection is respectfully traversed.

There are substantial differences between the claimed method and system on the one hand and those of the applied references on the other hand that undermine the obviousness conclusion under 35 U.S.C. §103(a). Specifically, claim 1 recites, *inter alia*: “comparing one or more programs currently running on said device with one or more programs stored in a directory of essential programs” and “causing, at least in part, termination of one or more currently running programs not contained in said directory of said essential programs.” Claim 15 recites, *inter alia*: “compare one or more programs currently running on said apparatus with one or more programs stored in a directory of essential programs” and “cause, at least in part, termination of one or more programs currently running on said apparatus not stored in said directory of said essential programs.” These features are neither disclosed nor suggested by any of the applied references.

The Examiner, on page 5 of the Office Action, admitted that the primary reference to Marianetti fails to disclose the above-noted distinguishing features of claims 1 and 15. In attempting to fill in the blanks, the Examiner turned to Tachibana. However, the Examiner’s reliance on Tachibana is misplaced.

Tachibana discloses an apparatus which can automatically select and start/terminate an application program for executing a **process corresponding to a PC card** in response to insertion/removal of the PC card (column 2, lines 3-7). As illustrated in FIGs. 12 and 13 of Tachibana, an operating system issues a message when a device environment is changed and a

utility program detects issuance of a message (FIG. 12 (step B11), column 10, lines 27-30). The utility program of Tachibana requests the operating system to issue device information held in a registry, acquires the device information, and compares the information with old device information (FIG. 12 (steps B12 and B13), column 10, lines 33-39). The utility program of Tachibana regards the state as “removal” if the content of device information is reduced (FIG. 12 (“NO” is step B14), column 10, lines 59-62). In the case of “removal”, the utility program of Tachibana acquires file name of an **application program corresponding to the removed PC card** from information of the application program held in a RAM, requests the operating system to terminate the application program, and erases information of the application program corresponding to removed PC card from the RAM (FIG. 12 (steps B21-B23), column 10, line 62 to column 11, line 3). Therefore, Tachibana’s system and method only determine and terminate the application programs that are associated with the removed PC card.

However, Tachibana does not teach or suggest *essential programs* that are essential for an operation of said device/apparatus, as recited in independent claims 1 and 15. Further there is not teaching or suggestion in Tachibana regarding *comparing one or more programs currently running on said device/apparatus with one or more programs stored in a directory of essential programs*, as recited in claims 1 and 15. Tachibana merely discloses that old and new device information is compared to determine if a PC card is inserted or removed and determines the application program corresponding to the inserted/removed PC card. Moreover, in contrast to terminating the application program corresponding to the removed PC card as disclosed in Tachibana, claims 1 and 15 recite, *inter alia*, causing, at least in part, *termination of one or more currently running programs not contained in said directory of said essential programs*.

Based on the foregoing, it is apparent that even if the applied references are combined as proposed by the Examiner, and Applicants do not agree that the requisite basis for the asserted motivations been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicants, therefore, submit that the imposed rejection of claims 1-22 under 35 U.S.C. §103(a) for obviousness predicated upon Marianetti in view of Tachibana is not factually or legally viable and, hence, solicit withdrawal thereof.

Claim 23 was rejected under 35 U.S.C. §103(a) for obviousness predicated upon Marianetti in view of Tachibana and further in view of Cook et al. (U.S. Patent Application Publication No. 2005/0169073) (“Cook”).

In the statement of the rejection the Examiner asserted that one having ordinary skill in the art would have been led to modify the system disclosed by Marianetti and Tachibana by incorporating a game console, in view of Cook. This rejection is respectfully traversed.

Specifically, claim 23 depends from independent claim 15. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 15 under 35 U.S.C. §103(a) for obviousness predicated upon Marianetti in view of Tachibana. The additional reference to Cook does not cure the previously argued shortcomings in the attempted combination of Marianetti and Tachibana.

Accordingly, even if the applied references are combined as suggested by the Examiner, and again Applicants do not agree that the requisite basis for the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*. Applicants, therefore, submit that the imposed rejection of claim 23 under 35 U.S.C. §103(a) for

obviousness predicated upon Marianetti in view of Tachibana and further in view of Cook is not factually or legally viable and, hence, solicit withdrawal thereof.

Based upon the foregoing, it is apparent that the imposed objections and rejections have been overcome, and that all pending claims are in condition for immediate allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9951 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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